

CLERK, U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY

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November 25, 2014

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Hon. Cathy L. Waldor
Frank R. Lautenberg U. S. Post Office
& Courthouse Building
P. O. Box 999
Newark, NJ 07101

Re: Anthony Kerr v. City of Newark, et als.
Civil Action No. 08-3660 (KSH)
Request permission to file a motion to enforce Settlement

Dear Judge Waldor,

The above Plaintiff, acting as Pro Se counsel and making application to the Courts requesting permission to file a motion to enforce settlement against Defendants City of Newark and The City of Newark Police Department (hereinafter, referred to the as "Defendants" or "City").

To say that Plaintiff is deeply disappointed with the City's position to delay this matter further would not be fitting. Despite in 2009 Judge Shwartz advising all parties that reactivation would occur if PFRS does not approve the pension changes. Despite the appearance of the new First Assistant Corporation Counsel as well as outgoing Business Administrator Julien Neal's previous court appearance stating that he would leave lengthy notes on this matter for the incoming administration. Even City attorney Mr. Oppici, a staunch opponent against me from the beginning, attempted to settle these proceedings amicably.

Disappointed you Honor, that I had some faith in the new administration to settle this issue amicably and correctly a second time and not waste the courts time and taxpayers money on legal ramblings from outside counsels' self-serving agendas. Disappointed, that I must continue this 8 year odyssey before finding some resolve. It is a unique fortitude that I have lasted this long.

At the last appearance before the courts, the City after months of rigorous settlement discussions, changed their position and wanted to conduct more depositions. In 2009 it was the City's position to settle after only deposing plaintiff. To change course at this junction should be viewed as attempt to drain my resources in pursuing further depositions. It is difficult enough to fight an epic battle with a "goliath" possessing unlimited resources and at the same time having adversely impacted my financial resources from the start. This is a pure strategic tactic nothing more.

Referencing a more recent delay tactic by the City, Judge Hayden ordered the City to bear the full expense of transcripts. (see docket #113, dated 5/31/14). Plaintiff respectfully asks the courts to order the City to bear the full cost of their requested depositions. Plaintiff should not have to bear this added expense as plaintiff was ready to move forward in 2009 before a settlement was offered.

Yours very truly

Anthony Kerr